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PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)

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| Date of mailing (day/month/year) 12 June 2001 (12.06.01) | ETATS-UNIS D'AMERIQUE in its capacity as elected Office |
| International application No. PCT/US00/22503 | Applicant's or agent's file reference 068408.0102 |
| International filing date (day/month/year) 16 August 2000 (16.08.00) | Priority date (day/month/year) 17 August 1999 (17.08.99) |
| Applicant THAKUR, Sunil, Vasantrao et al | |

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|---|---|
| <p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p> | <p>Authorized officer</p> <p>Claudio Borton</p> <p>Telephone No.: (41-22) 338.83.38</p> |
|---|---|

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ROGER FULGHUM
BAKER BOTTS L.L.P.
ONE SHELL PLAZA
910 LOUISIANA
HOUSTON, TX 77002-4995

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

| | | | |
|--|---|---|-------------|
| | | Date of Mailing (day/month/year) | 04 DEC 2001 |
| Applicant's or agent's file reference 068408.0102 | | IMPORTANT NOTIFICATION | |
| International application No. PCT/US00/22503 | International filing date (day/month/year) 16 August 2000 (16.08.2000) | Priority date (day/month/year) 17 August 1999 (17.08.1999) | |
| Applicant THAKUR, SUNIL VASANTRAO | | | |

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

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| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230 | Authorized officer Eric Stamber <i>James R. Matthews</i> Telephone No. 703-305-3900 |
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Form PCT/IPEA/416 (July 1992)

PARENT COOPERATION TREATY

PCT

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| REC'D 10 DEC 2001 | |
| WIPO | PCT |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 068408.0102 | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/US00/22503 | International filing date (day/month/year) 16 August 2000 (16.08.2000) | Priority date (day/month/year) 17 August 1999 (17.08.1999) |
| International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/14,26,27 | | |
| Applicant THAKUR, SUNIL VASANTRAO | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

| | |
|---|--|
| Date of submission of the demand 13 March 2001 (13.03.2001) | Date of completion of this report 25 October 2001 (25.10.2001) |
| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230 | Authorized officer Eric Stamber Telephone No. 703-305-3900 <i>James R. Matthews</i> |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/US00/22503

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed. the description:pages 1-38 as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of _____. the claims:pages NONE, as originally filedpages NONE, as amended (together with any statement) under Article 19pages NONE, filed with the demandpages 39-42/4, filed with the letter of 15 August 2001. the drawings:pages 1-7, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of _____. the sequence listing part of the description:pages NONE, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. 1,2,6, 21-22 the drawings, sheets/fig NONE5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/US00/22503**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**Novelty (N) Claims 3-5, 7-19, 23-41 YESClaims NONE NOInventive Step (IS) Claims 3-5, 7-19, 23-41 YESClaims NONE NOIndustrial Applicability (IA) Claims 3-5, 7-19, 23-41 YESClaims NONE NO**2. CITATIONS AND EXPLANATIONS**

Please See Continuation Sheet

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/22503

VI. Certain documents cited**1. Certain published documents (Rule 70.10)**

| | | | |
|---|---|--|---|
| Application No <u>Patent No.</u> US 6,009,411 A | Publication Date <u>(day/month/year)</u> 28 December 1999 (28.12.1999) | Filing Date <u>(day/month/year)</u> 14 November 1997 (14.11.1997) | Priority date (valid claim) <u>(day/month/year)</u> 17 August 1999 (17.08.1999) |
|---|---|--|---|

2. Non-written disclosures (Rule 70.9)Kind of non-written disclosureDate of non-written disclosure
(day/month/year)Date of written disclosure referring to
non-written disclosure
(day/month/year)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/US00/22503

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claim 20 (which has not been declared cancelled by the letter of 15 August 2001 but is not now present in the replacement sheets) is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 20 is indefinite for the following reason(s): it fails to point out what is included or excluded by the claim language

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/US00/22503

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

Claims 1,2,6, 21-22 have been cancelled. (Please note claim 20 is not in the claims replacement sheets: it is taken that Applicants intend to cancel claim 20)

Claims 3,7,12 have been amended to become independent. New claims 23-41 are added. Claims 3-5, 7-19, 23-41 are now in this application.

Claims 3-5, 7-19 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest

A business system comprising
magnetic strip card with consumer identifying
information encoded thereon,

said information identifying a consumer desiring to conduct a transaction with a vendor,
a host system that maintains information about said vendor,

an apparatus for reading information on the magnetic said apparatus interconnected with and in communication with the host system,
and

means for applying any applicable discount related to said transaction for the benefit of said consumer

wherein the apparatus for reading information is located with the consumer (claim 3),
wherein the communicating computer is at the consumer location (claim 4)
and which comprises means for calculating a future discount for the consumer based on the transaction information (claim 7) and ,
wherein the geographic location of the consumer is determined (claim 12).

The claims dependent upon the above-cited claims , by virtue of their dependencies, are not fairly taught or suggested by the prior art as well.

New Claims 23-41 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/US00/22503

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 23 and 41.

A business system comprising
magnetic strip card with consumer identifying information encoded thereon,
said information identifying a consumer desiring to conduct a transaction with a vendor at a vendor location,

a host system remote from the vendor location that maintains information about said vendor,

an apparatus for reading the consumer identifying information on the magnetic strip card, said apparatus interconnected with and in communication with the host system, for ascertaining any applicable discounts of said discounts,

means apart from the magnetic strip card for applying any applicable discount of said discounts related to said transaction at the vendor location for the benefit of said consumer

The claims dependent upon the claim 23 above, by virtue of their dependencies, are not fairly taught or suggested by the prior art as well.